

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	4:04CR3038
	)	
Plaintiff,	)	
	)	
vs.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
HIDESHI J. MIYAGISHIMA,	)	
	)	
Defendant.	)	

This matter comes on to consider the government's motion and request for hearing on Rule 35(b) motion (filing 36). Having considered the matter,

IT IS ORDERED that:

- (1) The government's request for hearing on Rule 35(b) motion is granted;
- (2) A hearing on the government's motion for reduction of sentence pursuant to Rule 35(b) (filing 36) has been set before the undersigned United States district judge at 12:00 p.m., Tuesday, September 20, 2005, in Courtroom No. 1, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska;
- (3) At the request of the defendant through his counsel, and with the agreement of the government, the defendant may be absent from the hearing on the Rule 35 motion;
- (4) The Marshal is directed not to return the defendant to the district; and
- (5) The defendant is held to have waived his right to be present.

September 2, 2005.

BY THE COURT:

*s/ Richard G. Kopf*  
United States District Judge